

# United States District Court

NORTHERN DISTRICT OF CALIFORNIA

NIC Insurance Company, a New York  
Corporation

E-Filing

## SUMMONS IN A CIVIL CASE

CASE NUMBER:

v.

C 07 5988

Appian Construction Co., Inc., a California  
Corporation; 1221 Monticello, L.P., a California  
Limited Partnership; and Does 1-50, inclusive.

TO: (Name and address of defendant)

EMC

SEE ABOVE-NAMED DEFENDANTS

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Brandt L. Wolkin, Esq.  
WOLKIN CURRAN, LLP  
555 Montgomery Street, Suite 1100  
San Francisco, CA 94111  
telephone: 415/982-9390  
facsimile: 415/982-4328

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wiking

CLERK

DATE

NOV 27 2007



(BY) DEPUTY CLERK

MARY ANN BUCKLEY

Attorney or Party without Attorney: BRANDT L. WOLKIN, ESQ., Bar #112220 WOLKIN CURRAN, LLP 555 MONTGOMERY ST., SUITE 1100 SAN FRANCISCO, CA 94111 Telephone No: 415 982-9390		For Court Use Only	
Attorney for: Plaintiff		Ref. No. or File No.: NIC INSURANCE	
Insert name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California			
Plaintiff: NIC INSURANCE COMPANY			
Defendant: APPIAN CONSTRUCTION CO., INC., et al.			
<b>PROOF OF SERVICE SUMMONS &amp; COMPLAINT</b>		Hearing Date:	Time:
		Dept/Div:	Case Number: C 07-05988 EMC

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons In A Civil Case; Civil Cover Sheet; Complaint For Declaratory Relief; Contribution; Reimbursement; Notice Of Assignment Of Case To A United States Magistrate Judge For Trial; Contents To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; Ecf Registration Information Handout; Order Setting Initial Case Management Conference And Adr Deadlines; Standing Order For Civil Practice In Cases Assigned For All Purposes To Magistrate Judge Edward M. Chen; Contents Of Joint Case Management Statement; Drop Box Filing Procedures; Welcome To The U.S. District Court.

3. a. Party served: APPIAN CONSTRUCTION CO., INC.

4. Address where the party was served: 1485 ENEA COURT  
SUITE 1490  
CONCORD, CA 94520

5. I served the party:

b. by substituted service. On: Thu., Nov. 29, 2007 at: 2:50PM by leaving the copies with or in the presence of:  
JUDY EWING, OFFICE MANAGER

(1) (Business) a Person in charge at least 18 years of age apparently in charge of the office or usual place of business of the person served. I informed him or her of the general nature of the papers.

(4) A declaration of mailing is attached.

6. The "Notice to the Person Served" (on the Summons) was completed as follows:

on behalf of: APPIAN CONSTRUCTION CO., INC.  
Under CCP 416.10 (corporation)

7. Person Who Served Papers:

a. RAIMUNDO CARVALHO

Recoverable Cost Per CCP 1033.5(a)(4)(B)

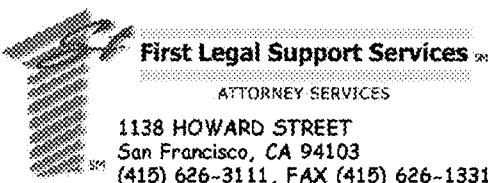
d. The Fee for Service was:

e. I am: (3) registered California process server

(i) Employee

(ii) Registration No.: 2005-0000968-00

(iii) County: San Francisco



8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Tue, Dec. 04, 2007

<i>Attorney or Party without Attorney:</i> BRANDT L. WOLKIN, ESQ., Bar #112220 WOLKIN CURRAN, LLP 555 MONTGOMERY ST., SUITE 1100 SAN FRANCISCO, CA 94111 Telephone No: 415 982-9390 FAX No:		<i>For Court Use Only</i>	
		<i>Ref. No or File No.:</i> NIC INSURANCE	
<i>Attorney for Plaintiff</i>			
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court Northern District Of California			
<i>Plaintiff:</i> NIC INSURANCE COMPANY			
<i>Defendant:</i> APPIAN CONSTRUCTION CO., INC., et al.			
<b>PROOF OF SERVICE</b> <b>By Mail</b>	<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>
			<i>Case Number:</i> C 07-05988 EMC

1. I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
2. I served copies of the Summons In A Civil Case; Civil Cover Sheet; Complaint For Declaratory Relief; Contribution; Reimbursement; Notice Of Assignment Of Case To A United States Magistrate Judge For Trial; Contents To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; Ecf Registration Information Handout; Order Setting Initial Case Management Conference And Adr Deadlines; Standing Order For Civil Practice In Cases Assigned For All Purposes To Magistrate Judge Edward M. Chen; Contents Of Joint Case Management Statement; Drop Box Filing Procedures; Welcome To The U.S. District Court.
3. By placing a true copy of each document in the United States mail, in a sealed envelope by **First Class** mail with postage prepaid as follows:

a. Date of Mailing: Thu., Nov. 29, 2007  
 b. Place of Mailing: SAN FRANCISCO, CA 94103  
 c. Addressed as follows:  
 APPIAN CONSTRUCTION CO., INC.  
 1485 ENEA COURT  
 SUITE 1490  
 CONCORD, CA 94520

4. I am readily familiar with the business practice for collection and processing of correspondence as deposited with the U.S. Postal Service on Thu., Nov. 29, 2007 in the ordinary course of business.

5. *Person Serving:*

a. AARON DANIEL	Recoverable Cost Per CCP 1033.5(a)(4)(B)
b. FIRST LEGAL SUPPORT SERVICES 1138 HOWARD STREET SAN FRANCISCO, CA 94103	d. <i>The Fee for Service was:</i>
c. 415-626-3111	e. I am: Not a Registered California Process Server

8. *I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.*

Date: Tue, Dec. 04, 2007